IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35767 of 2007(G)

AGAINST THE ORDER IN EA 203/05 IN EP 103/03 IN OS.62/2000 of SUB COURT,NEYYATTINKARA

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PETITIONER:

KERALA STATE CO-OPERATIVE BANK LTD.,
KARAMANA BRANCH, THIRUVANANTHAPURAM,
REPRESENTED BY BRANCH MANAGER.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN

RESPONDENTS:

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1. JOSE S/O.NEPOLIAN, PANAYARAKUNNU
VALIYAVILA PUTHENVEEDU, KOTTUKAL VILLAGE.

2. SURESH KUMAR L.S, SURESH BHAVAN,
KALLUVILA, VENPAKAL, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.35767 of 2007

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Dated this the 5th day of December, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Subordinate Judge, Neyyattinkara in E.A.No.203 of 2005 in E.P.No.103 of 2003 in O.S.No.62 of 2000, which is an application for setting aside a sale. When an application for setting aside a sale is filed, the confirmation takes only after the disposal of the application. So, any order passed thereon will be also one which squarely comes within the purview of Order 21 Rule 92 of C.P.C. as well. As per Order 43 Rule 1(ja) of C.P.C. an appeal is provided against such orders.

Therefore the Writ Petition is disposed of as not maintainable giving liberty to the writ petitioner to move the Appellate Court for appropriate reliefs.

M.N.Krishnan,
Judge.

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